

### **REMARKS**

Claims 1-24 are all the claims presently pending in the present Application. Claims 1, 13 and 21 have presumably been withdrawn. Claims 9 and 12 have been amended to more particularly define the claimed invention.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

**Claims 2-12, 14-17, 21 and 24** stand rejected under 35 USC §112, second paragraph as being allegedly indefinite.

**Claims 2-12, 14-20 and 22-24** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Mahalingam (U. S. 6,205,503) in view of Suzuki (U. S. 6,854,081).

These rejections are respectfully traversed in view of the following discussion.

## **II. THE 35 USC 112, SECOND PARAGRAPH REJECTION**

The Examiner alleges that claims 2-12, 14-17, 21 and 24 are indefinite. Applicant submits however that these claims are clearly defined and not indefinite.

In particular, the Examiner refers to MPEP 2173.05(d) and alleges that the term "installed apparatuses" in claims 2-3, 5, 7-12, 14, 16-17, 21 and 24 is indefinite because "it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

First, Applicant would point out that there are several occurrences of the phrase "installed apparatuses" in these claims, so it is unclear whether the Examiner is referring to all of these occurrences or just one particular occurrence. In addition, it is unclear what limitations the Examiner is referring to by "the limitation(s) following the phrase".

Further, Applicant would point out that the term "installed apparatuses" should simply be construed to mean the plural form of "installed apparatus". An exemplary aspect of the claimed invention is depicted, for example, in Figure 8 which depicts a computer system

including a plurality of CPU and memory installed apparatuses 101-1, 101-2, 101-3.

Further, Applicant would point out that MPEP 2173.05(d) deals with exemplary claim language (e.g., "for example" and "such as"). Thus, Applicant fails to understand what MPEP 2173.05(d) has to do with the phrase "installed apparatuses".

Regarding claims 3-4, 6, 15 and 17, the Examiner again refers to MPEP 2173.05(d) and alleges that the phrase "effective" renders the claim indefinite. However, Applicant fails to understand what MPEP 2173.05(d) has to do with the phrase "effective". Further, Applicant would point out that this claim language is clearly defined especially when considered in light of the specification (e.g., see Application at [0073]).

Regarding claims 9 and 12, the Examiner alleges that the phrase "means for, when either one of said CPU and memory installed apparatuses fails to operate due to a fault, assigning..." renders the claim indefinite. Although Applicant disagrees with the Examiner, claims 9 and 12 have been amended to address the Examiner's concerns.

Regarding claim 10, the Examiner alleges that the phrase "an active one of the CPU and memory installed apparatuses which is using another input/output control apparatuses is used as said other normal CPU and memory installed apparatus" renders the claim indefinite. However, Applicant would point out that this claim language is clearly defined especially when considered in light of the specification (e.g., see Application at [0077]).

In view of the foregoing, the Examiner is respectfully requested to withdraw these rejections.

### **III. THE ALLEGED PRIOR ART REFERENCES**

The Examiner alleges that Mahalingam would have been combined with Suzuki to form the invention of claims 2-12, 14-20 and 22-24.

Applicant respectfully submits that these references would not have been combined and even if combined the alleged combination would not teach or suggest the features of the claimed invention.

However, in an effort to expedite prosecution, Applicant notes that the present Application has a U. S. filing date of January 29, 2002 which is prior to the issue date (February 8, 2005) of Suzuki and, therefore, Suzuki is at best a 35 USC 102(e) reference against the present Application. Further, Suzuki and the present Application were, at the time

the claimed invention was made, commonly assigned and, therefore, Suzuki is excluded as 35 USC 103(a) prior art against the present Application under 35 USC 103(c).

Therefore, Applicant respectfully submits that these references would not have been combined and even if combined the alleged combination would not teach or suggest the features of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

### III. FORMAL MATTERS AND CONCLUSION

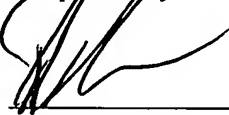
In view of the foregoing, Applicant submits that claims 1-24, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully submitted,



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